

Approved Meeting Minutes
November 14, 2017 Planning Board Meeting
7:00 P.M. | City Council Chambers, Woburn City Hall

Chair Carolyn Turner called the meeting to order at 7:00 p.m. and asked City Planner/Grant Writer Dan Orr to conduct a roll call of members.

ROLL CALL OF MEMBERS

Mr. Kevin Donovan, Mr. Bob Doherty, Ms. Claudia Bolgen, Mr. Jim Callahan and Chair Carolyn Turner were present; Mr. David Edmonds and Mr. Michael Ventresca were absent. Also present were Planning Director Tina Cassidy and City Planner/Grant Writer Dan Orr.

24 FLAGG STREET DEFINITIVE SUBDIVISION (Mr. George Gately, Jr)

Planning Director Cassidy stated that the public hearing on this matter was closed at a previous meeting. After discussion, there were a number of issues raised relative to encroachments of a wall and a utility pole in the right of way, as well as the presence of a carport. Discussion of mature tree preservation also ensued.

Cassidy further stated that discussion was postponed to this evening in order to address these issues. A plan relative to the mature tree preservation has been provided to the Planning Board as of this evening. The question is how many of those trees shown on the plan may be preserved through construction and in perpetuity.

Attorney Joseph Tarby, Murtha Cullina, 600 Unicorn Park Drive, approached the Board on behalf of the Petitioner. The Petitioner has looked into the preservation of mature trees since the last meeting. Mr. Gately is not available for discussion this evening; therefore, he requests that discussion and a decision on this matter be postponed until the next meeting.

Cassidy stated that the plan she provided is an attempt to identify which mature trees could potentially remain through the construction process, although she will need to confer with Mr. Gately directly on this matter to see if he concurs. She confirmed that the Petitioner has formally requested a continuance of the discussion and has granted an extension of the time period within which the Board must act on this matter to November 30, 2017.

Turner inquired about potential discussions between the developer and the abutter interested in preserving two trees on their property. Cassidy confirmed that the developer expressed a willingness to preserve mature trees, but has not yet had the chance to specifically identify which trees to preserve.

Bolgen inquired as to what the Planning Director determined in conversation with the Solicitor. Cassidy stated that with respect to the carport, the is willing to negotiate its removal. Tarby stated that it would be a voluntary condition on behalf of the developer to ensure that negotiated removal of the carport.

Cassidy clarified that there is no issue with accepting clarifications on this matter, as opposed to new information post-closure of the public hearing.

Turner asked Board members if there were any further questions or discussion. Bolgen responded that Planning staff has framed this project in an interesting light in terms of the question of granting waivers of the Subdivision Rules and Regulations and whether continuing to do so sets the trend for future subdivision applications.

Bolgen further stated that she is concerned generally about the waiver of subdivision rules consistently in the recent past and that she is personally wrestling with that issue.

Turner inquired about a motion. Cassidy stated that the motion would be to, if the Board is inclined, accept the offered extension of time for Board action on this matter to November 30, 2017, as well as to continue discussion and a decision on this matter to the agenda for the Board's next meeting on November 28, 2017.

Motion to accept the extension of time for consideration of/action on this matter, made by Callahan;
Seconded by Doherty;
Motion carried, 5-0-0.

Motion to continue discussion and decision on this application to the Board's November 28th meeting, made by Doherty;
Seconded by Callahan;
Motion carried, 5-0-0.

Cassidy stated that she would like to thank the residents in attendance for their patience as they Board deliberates on this matter. In particular, the Board needs to ensure that the plan and any potential conditions are properly considered.

Turner clarified to the audience that the public hearing has been closed on this matter and the Board is no longer accepting public comment or material.

PETITION TO AMEND THE 1989 WOBURN ZONING ORDINANCES BY ADDING A NEW SECTION 31 (FEDERAL STREET SMART GROWTH OVERLAY DISTRICT [FS/SGOD]) AND OVERLAYING THE FS/SGOD DISTRICT ON 14 AND 14R FEDERAL STREET (Jamieson Properties)

Attorney Tarby and Mr. Glenn Morris, architect with Morris Architects, 33 Murray Road, Newton, MA, approached the Board on behalf of the Petitioner.

Tarby and Morris requested to provide a handout to the Board reflecting edits to the rezoning proposal, as well as a revised version of the PowerPoint presentation.

Motion to accept the handouts, made by Bolgen;
Seconded by Doherty;
Motion carried, 5-0-0.

Tarby approached the board to provide status of the rezoning proposal as it stands in front of the Council.

Morris reviewed the changes that have since been incorporated into their proposal. He provided an overview of the local and state review process relative to the review of the project, in particular how the design review process would progress.

Morris provided an overview of other types of 40R projects that have been constructed in other communities.

Morris further provided an overview of the unit layouts that would be offered in a newly constructed building (i.e., micro units).

Morris stated that the facility is close to the MBTA bus lines and provided an overview of this project's public transportation proximity to local commercial centers.

Morris presented a photo of the Abbot Street parking lot which demonstrates the number of vacant parking spaces at one particular point in time.

Morris reviewed the parking survey undertaken by the Jamiesons to demonstrate the number of a spaces available in the Library Field parking lot at different times of day. The parking would tend to be overnight on the Abbot Street lot. He states there is also substantial parking required by the proposed 40R district (1.25 spaces/unit), which will equate to 60 total spaces being required. 28 spaces will be provided on site and the developer would contribute to the City's dedicated downtown parking enhancement fund in amount equal to the 32 spaces that will "provided" via non-exclusive use of the nearby municipal lot.

Morris reviewed the potential façade that would be incorporated into the building design. The concept of the façade, including brick and composite siding, would reflect the prominent buildings of the downtown and be architecturally consistent with other historic buildings.

Morris stated that traffic, parking and utility analyses are incorporated into the proposed zoning amendment and would become part of the 40R project review and approval process.

Tarby stated that the parking survey also did not take into consideration a number of areas that include parking in other lots/streets. The Petitioner is also confident that there would be sufficient parking onsite as proposed given experience with other similar apartment facilities they own.

Callahan stated that he would like to clarify the timeline for project approval. It appears that the application should be certified as complete by the Planning Director prior to being considered for approval.

Cassidy inquired about where Mr. Morris obtained the information relative to the process. Morris responded that the certification really reflects the Director's confidence in the information presented as being complete.

Morris responded that that the timeline information was taken from the state's 40R regulations and the design standards Guidebook. The Petitioner takes no issue with ensuring certification of completeness prior to project review.

Callahan stated that he likes the masonry façade concept but would appreciate the incorporation of a keystone. Morris stated that those types architectural-related comments would be incorporated into the design review process.

Bolgen inquired about the experience of communities that are similar to Woburn, such as Reading, in accepting a 40R project and how it has impacted their downtown area. Morris stated that he is not sure exactly what the experience is.

Bolgen stated that she would like to take into consideration whether it is the experience of other similar communities like Reading that the project(s) have been successful in attracting a certain demographic that is more attracted to urban/downtown settings, particular younger generations. Specifically, she would like to know what the impact has been relative to car ownership and utilizing public transit in other communities with similar projects. Morris responded that he would be happy to further research the experience of Reading and how residents of its 40R project have adapted to local transportation.

Morris stated that his comparison is not necessarily with a project in Somerville; specifically, he would compare the newly proposed project to the existing apartment building at 44 Montvale Avenue. In addition, the potential tenants are not exclusively Millennials. Potential tenants would include folks of all ages, potential business travelers, empty nesters, etc.

Bolgen stated that she understands that the model may be to attract more diverse residents, but that does not come through in the vision for the project. It is also worth considering the benefits of long-term versus short-term residents. Morris responded that the vision is to create different opportunities for residents. Even the shorter-term residents are going to be in Woburn for at least several months.

Doherty inquired about the current number of units on the site of the proposed 40R. Morris responded that the current number of units is 13.

Doherty stated that it appears that the proposal would only change the zoning to benefit this project in particular. He inquired about the other benefits to Woburn by converting the land to a 40R District. Tarby responded that there is an intangible benefit to the downtown which is added commerce and housing options (including 20% of units dedicated as affordable housing), in addition to increased real estate tax revenue for the City. In addition, \$144,000 would be provided to the parking fund and a density bonus payment from the state if approved as a 40R project.

Bolgen inquired about why the zoning change is not being approached more holistically in terms of a larger area, as well as how the applicant would respond to a denial from the Council for this 40R district proposal.

Morris stated that they do not object to a larger area for a rezoning proposal, but they do not have that kind of control over abutting parcels. They took the 40R approach because it would provide the City with more flexibility, as well as significant guaranteed financial incentives.

Cassidy inquired as to whether the project would require variances under the current zoning for the City if it were sought through a Special Permit process. Morris responded that the proposed building would include an additional story than permitted by zoning, but the project is permitted by a 40R district. Otherwise, a variance would be required.

Tarby clarified that the 20% under the 40R proposal would surpass the current 10% requirement for affordable housing in the city. Cassidy stated that all of the units in the building could be counted toward the City's Subsidized Housing Inventory percentage if the threshold number of units dedicated as affordable is raised to 25%.

Turner opened this matter for a public hearing and asked any members of the audience who would like to step forward to address the Board to please do so.

PUBLIC HEARING

There being no members of the audience wanting to address the Board, Turner asked for a motion.

Turner inquired about recommendation. Cassidy stated that she has spoken with Attorney Tarby relative to some of the language that would need to be incorporated into the draft zoning overlay district ordinance, including aspects such as parking and signage.

Cassidy stated that the crux of her recommendation is to take parking conditions into greater consideration, although she recognizes that the applicant has touched on this issue relative to surrounding availability of parking. In addition, she is somewhat concerned with the density of the project, which would set a new precedent for the number units on a relatively small parcel.

Bolgen stated that because new edits to the proposed zoning ordinance have not been reviewed she would be inclined to hold off on closing the hearing in the interest of potentially receiving further information.

Motion to continue the public hearing on this zoning amendment request until the November 28, 2017 meeting, made by Bolgen;
Seconded by Doherty;
Motion carried, 5-0-0.

PUBLIC HEARING: PETITION TO AMEND THE ZONING ORDINANCE BY AMENDING TABLE OF USES SECTION 5.1.41, ENTITLED "RESEARCH AND TESTING LABORATORY" (Aldermen Haggerty and Tedesco)

Cassidy stated that this proposal is to allow by right projects defined as "research and testing laboratories" under 25,000 sq. ft. in certain zoning districts. Projects greater than 25,000 sq. ft. will require Site Plan Review and will be subject to the City's mitigation ordinance. She believes this is a relatively straightforward change that will encourage economic development, and results in this use being treated the same from a zoning perspective as biomedical facilities.

Turner opened the public hearing and asked any members of the audience who would like to step forward to address the Board to please do so.

PUBLIC HEARING

There being no members of the audience wanting to address the Board, Turner asked for a motion.

Motion to close the public hearing, made by Doherty;
Seconded by Bolgen;
Motion carried, 5-0-0.

Cassidy stated that she would recommend that the Board recommend to the Council adoption of the proposed zoning amendment.

Motion to recommend adoption of the proposed zoning amendment, made by Doherty;
Seconded by Bolgen;
Motion carried, 5-0-0.

WALL ESTATES SUBDIVISION (Mr. Robert G. Murray)

Turner recused herself from discussion of this matter and Callahan assumed the role of Chair pro tem.

Cassidy stated that the Engineering Department has identified a number of corrections that need to be made to the as-built plan. Since approval of that plan is integral to any decision on the bond release request, she would recommend continuance of discussion on this matter until the Board's November 28th meeting.

Motion to continue discussion on this matter until the Board's November 28th meeting, made by Doherty;

Seconded by Bolgen;

Motion carried, 4-0-0, with Turner recusing.

DRAGON COURT SUBDIVISION (GARVEY ROAD) (Mr. Robert G. Murray)

Cassidy provided an overview of where this matter currently stands and reviewed all of the abutter complaints received to date, including issues of working outside allowed hours of construction, lack of adequate dust controls and the removal of trees that were to be preserved.

Cassidy further stated that Mr. Murray is present this evening to answer questions of the Board.

Cassidy further summarized that there were three complaints that were received relative to construction activity occurring outside of permitted hours of construction. One was for work that went 17 minutes past the 7:00 p.m. end time and one was for working on site (interior and exterior) on Columbus Day. With respect to the final allegation (workers on site prior to 7:00 a.m.), she would not consider the workers' activities (sitting on steps and carrying materials to/from vehicles and houses) to meet the definition of construction.

Cassidy further stated that she is happy to share recommendations on each of the three complaints when/as the Board sees fit.

Attorney Joseph Tarby, representing developer Bob Murray approached the Board and stated that as a mitigation measure to address the issues relative to work hours, a sign has been posted on the site by the developer which clearly lists the hours of acceptable construction activity.

Bolgen stated for the record that, in the near future, Thanksgiving, Christmas Eve, Christmas Day, and New Year's Day should be observed as holidays.

Bolgen inquired as to when construction will be over. Mr. Robert Murray, 27 Cambridge Street, #200, Burlington, approached the Board and responded that construction would be over in the spring of 2018. Contractors will be working consistently throughout the project and a foreman is also onsite daily.

Callahan stated that it is important for there to be a clear line of communication to the construction employees and recommended a cell phone number be supplied. Tarby responded that a cell phone number would be supplied to the Planning Director so that she may be the point of contact for communicating violations of hours of construction.

Callahan stated that any holiday that appears as such on a calendar should be considered as a day in which construction activity is prohibited.

Cassidy recounted the issue of potentially unauthorized tree removal. Callahan responded that it would be beneficial for the developer to review each lot and provide a justification for removal of all mature trees for each of those lots.

Tarby stated that his recollection and record of any tree-related discussion for this subdivision does not relate to mature tree preservation; only the installation of street trees. He thinks it is important to consider that the preservation of trees condition was potentially "cut and pasted" from a different subdivision approval. Doherty responded that he did not find that to be a plausible explanation.

Tarby stated that he would like to provide a handout (copy of Sheet G-1 from the approved plan set) detailing the layout of the trees prior to construction for the Board's information.

Motion to accept handout, made by Bolgen;
Seconded by Doherty;
Motion carried, 4-0-0, with Turner recusing.

Tarby reviewed the plan sheet and explained, lot by lot, why each of the mature trees identified could not have been spared as a result of grading and construction requirements. He maintained the developer had a right to remove all mature trees as reflected on the subdivision plan as a result of necessary excavation and grading activities.

Tarby further stated that the developer is reputable for all of the projects he has undertaken in the past and would not overlook the Planning Board's conditions of approval.

Doherty inquired about the required landscaping for each lot. Tarby stated that the developer will be installing two street trees per lot.

Callahan inquired about the tree removal specifically on Lot 7. Tarby responded that the trees were removed to accommodate the grading and excavation process to install a foundation, as well as the removal of a boulder.

Callahan stated that he has a hard time agreeing with the assertion that the trees had to be removed. He pointed to Lot 2 as an area where the trees could have been preserved in particular. Murray responded that the construction of the swale would have necessitated the removal of trees in that location.

Cassidy asked how many feet the grading was raised on Lot 2 in particular. Murray responded that the grading was raised approximately 3-4 feet to accommodate construction.

Callahan stated that the swale construction also impacts the abutter's trees. Murray added that the drainage plan had been vetted by the Engineering and Public Works departments when the project was first reviewed.

Callahan stated that the only other area of concern was related to Lots 1-2, near the adjoining property line and in relation to swale construction. Murray stated that the swale would run from a stone wall to go to the right. It must be constructed in order to provide adequate drainage. He estimated that the trees in the area are around 15-inches in diameter.

Murray further stated that, relative to the abutter's trees along the property line, the drainage component of the plan had been vetted by the City's Engineering department. No concern was raised at that point relative to its design.

Doherty stated that it would be helpful if the developer would make an effort to determine the impact on the abutter's trees in terms of the construction of the swale, specifically to identify whether the roots of the abutter's tree reach into actual construction area of the swale. Murray responded that he does not believe the abutter's tree roots would extend that far into his property.

Callahan stated that it is important for the developer to be proactive and sensitive in his approach to the construction of the swale so that it does not impact the existing mature trees.

Callahan inquired as to whether Mr. Murray employs anyone who could speak with expertise on the preservation/protection of trees. Murray responded that he does not.

Tarby reiterated that the drainage design components were already reviewed as part of the approval process for this subdivision and inquired whether the Board would like the developer to modify that design. Doherty responded that the issue is not necessarily a design modification but that effort should be made to mitigate impact to the abutter's tree.

Tarby stated that he does not want his client to be held responsible for an adverse outcome if he professionally assesses the tree prior to construction and predicts that there will be no impact. Doherty responded that he would simply like the developer to be mindful of the impact during construction and work with the abutter as needed.

Doherty stated that that, although he is not an expert on this matter, it appears that some of the trees could have been saved. Murray responded that the construction process for the entire subdivision necessitated wholesale removal of trees, even around the perimeter.

Callahan stated that the developer must be careful when constructing the swale and to document any root systems that are encountered. It is also important for the developer to continue to address abutter complaints moving forward to avoid further Board attention to this matter.

Cassidy reviewed the final abutter complaint relative to the dust control measures. She observed the site activity in-person on one occasion and based on pictures provided to her about another; she does not believe that the conditions presented warrant any further types of corrective measures on behalf of the developer. She believes that adequate corrective action has been taken to address this issue at this point but that the developer should continue to be mindful of dust controls in the future.

Callahan stated that it appears that all issues have been addressed at this point, and it is important that the developer continue to abide by the subdivision conditions.

Doherty stated that he would appreciate if the Planning Director could look into how this matter was reflected on video to confirm whether the issue of tree preservation was actually mentioned in this context. Cassidy responded that she would double check the video on this matter to confirm whether this issue was addressed.

Doherty stated that he observed that it is the Planning Board's responsibility to enforce its own conditions of approval, per opinion of the City Solicitor. Cassidy confirmed that is the case.

Chair pro tem Callahan stepped down and Turner re-assumed the role of Chair.

APPROVAL OF MINUTES: September 26, 2017 24 Flagg Street site visit and October 10, 2017 and October 24, 2017 regular meetings

Motion to accept the September 26, 2017 site visit minutes, made by Doherty;
Seconded by Bolgen;
Motion carried, 4-0-0, with Callahan abstaining due to meeting absence.

Motion to accept the September 26, 2017 regular meeting minutes, made by Doherty;
Seconded by Callahan;

Board members expressed that a majority of those present this evening may not be in a position to approve September 26, 2017 regular meeting minutes.

Motion to withdrawn the motion for acceptance of the September 26, 2017 regular meeting minutes, made by Doherty.

Motion to accept October 10, 2017 regular meeting minutes, made by Doherty;
Seconded by Donovan;
Motion carried, 4-0-0, with Bolgen abstaining due to meeting absence.

Motion to accept the October 24, 2017 regular meeting minutes, made by Bolgen;
Seconded by Doherty;
Motion carried, 4-0-0, with Turner abstaining due to meeting absence.

PLANNING BOARD DIRECTOR UPDATE

(a) Meeting schedule and agenda items for next Board meeting on November 28, 2017

Planning Director Cassidy reviewed the hearings that will be held at the next meeting, in addition to the preliminary subdivision plans applications and a request to accept an as-built plan/bond release request for the Wall Estate subdivision.

OTHER BUSINESS MATTERS THAT MAY LEGALLY COME BEFORE THE BOARD NOT KNOWN AT THE TIME OF POSTING

Bolgen stated that she in favor of the concept proposed by the Planning Director relative to the change in meeting structure, with one business meeting and one workshop-style meeting each held monthly. The caveat is that she does not necessarily like the idea of the monthly business meeting being in session until 11:30 or longer on a regular basis. She also thought a workshop-style meeting should be held in the Engineering Conference Room rather than the Council Chamber. Doherty agreed.

Cassidy stated that if the Board is so inclined, she would propose to implement the new meeting format starting in January. That would also allow more time for Planning staff to inform frequent applicants/interested parties of such a change.

Doherty stated that something like affordable housing has already been discussed relative to the current zoning change proposal. Planning Director Cassidy stated that there are numerous other opportunities for affordable housing-related discussion topics in the Housing Production Plan as well as the Subdivision Rules and Regulations and others. It will be up to the Board to help set priorities for workshop discussion(s).

ADJOURNMENT

Motion to adjourn at 9:17 pm, made by Bolgen;
Seconded by Doherty;
Motion carried, 5-0-0.

Table of Documents Used at Meeting

Staff Report
24 Flagg Street Subdivision: draft decision letter of Board approval; draft decision letter of Board denial
Federal Street Smart Growth Overlay District (Handout): Revisions proposed by Murtha Cullina and the Planning Director, dated 11/14/2017, relative to proposed Section 31
Proposed zoning amendment: Federal Street Smart Growth Overlay District (Handout/Presentation): Revisions to the PowerPoint
Proposed zoning amendment: Table of Uses Section 5.1.41 (Research & Testing Laboratories) proposed zoning language
Wall Estates Definitive Subdivision: Petitioner's bond release request, Form G, and submitted As-Built Plan
Dragon Court Subdivision: Copies of resident abutter email correspondence to the Planning Office
Dragon Court Subdivision (handout): Sheet G-1 (Grading) of the approved plan set
Proposed 2018 Planning Board meeting dates

Respectfully submitted,

Dan Orr,
City Planner/Grant Writer